

The Advocate



For and about small businesses and local governments affected by environmental regulations

PD-006/09-01

Volume 14, Issue 1 / January - March 2009

Major Changes to Petroleum Storage Tank Rules Take Effect in 2009

Due to legislation passed by the Texas Legislature and the Federal Energy Policy Act of 2005, new rules go into effect Jan. 1, 2009, for underground storage tanks (USTs). Several of the major changes include the following requirements of UST owners or operators:

- ▼ Install secondary containment (except external liners) for new and replacement tanks and new piping. (Note that any piping replacement that affects 20 percent or less of the total original length of an existing single wall line does not usually require secondary containment. Secondary containment is only required if the replaced line segment connects the existing line to a new dispenser, in which case the entire line must be secondarily contained). Monitor the interstitial space (the space between the primary and secondary wall) for a release of product.
- ▼ Install a dispenser sump with any new dispenser.

- ▼ Ensure all sumps and manways used for release detection and all dispenser sumps installed on or after Jan. 1, 2009, are:

- ▶ compatible with the stored substance,
- ▶ tightness-tested at installation and every three years thereafter to assure that sides, bottoms, and penetration points are liquid tight, and
- ▶ equipped with a liquid-sensing probe that will alert the UST system owner or operator if more than two inches of liquid collects in any sump or manway. Properly dispose of any liquid indicated by alarms or any liquids or debris found during an inspection within 72 hours of discovery (60-day inspections are not required).

The following changes are already in effect:

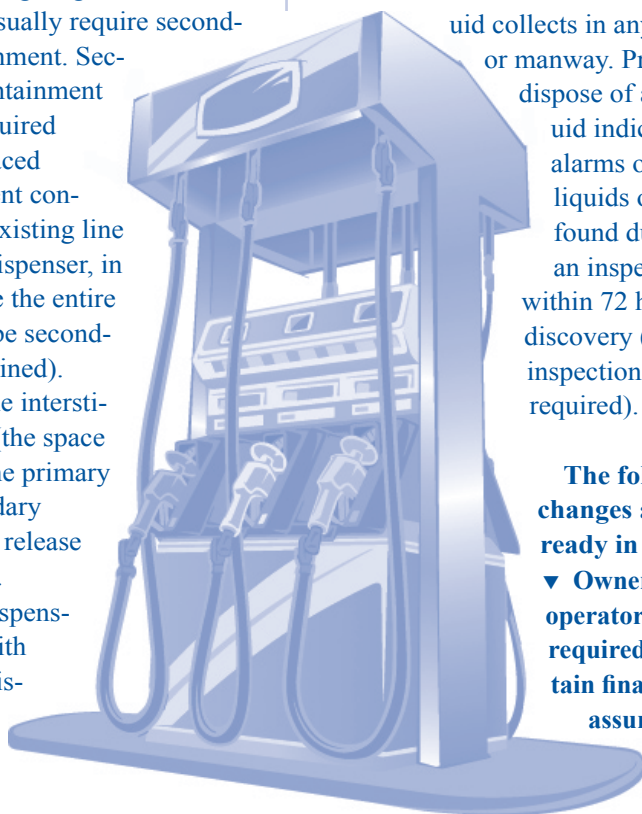
- ▼ Owners and operators are required to maintain financial assurance and

self-certify USTs that have been temporarily removed from service and are not empty by definition.

- ▼ Submit proof of financial assurance annually with the self-certification form.
- ▼ Protect metallic components in sumps and manways against immersion in water by a corrosion-protection system.
- ▼ At least once every 60 days inspect:
 - ▶ sumps or manways installed before Jan. 1, 2009, and used for release detection, AND
 - ▶ spill containers installed at any time, to ensure that their sides, bottoms, and any penetration points are liquid-tight. Remove and properly dispose of any liquids or debris found during the inspection within 72 hours of discovery.

The TCEQ no longer collects registration fees for UST and aboveground storage tank facilities (effective Sept. 1, 2007) but prior tank fees are still due. The TCEQ may reinstate registration fees at a future date.

This article covers only part of the rule changes. For complete rule changes, please visit the Small Business and Local Government Assistance Web site at <www.sblga.info>. ■



Learn about New Rule for Plating and Polishing Operations

On July 1, 2008, the EPA published the final rule on National Emission Standards for Hazardous Air Pollutants (NESHAP): Area Source Standards for Plating and Polishing Operations. This rule applies to businesses that conduct plating, polishing,

or other metal-finishing activities, and is in addition to any TCEQ rules that apply. A complete copy of the rule is available at <<http://epa.gov/ttn/atw/area/fr01jy08.pdf>>.

Many businesses affected by this new rule are permitted in Texas

through various air authorizations, including 30 TAC 106.375, Aqueous Solutions for Electrolytic and Electroless Processes.

Operations common to metal finishing, plating, and polishing facilities that would be affected by this rule include: electroplating, electroforming, electropolishing, electroless plating, chemical conversion coating, thermal spraying, and dry mechanical polishing.

Important deadlines contained in this rule are summarized in the table to the left.

If you think you may be subject to this rule visit <www.sblga.info> for links to EPA forms and tools that assist in complying with this rule, or call 800-447-2827. ■

Type of Source	Date Construction or Reconstruction Began	Date for Compliance	Due Date for Initial Notification	Due Date for Notification of Compliance Status
New sources	After Mar 14, 2008 (with startup after Jul 1, 2008)	Upon startup of operations	120 days from startup	Upon startup of operations
Newly affected sources	After Mar 14, 2008 (with startup on or before Jul 1, 2008)	Jul 1, 2008	Oct 29, 2008	Jul 1, 2008
Existing sources	On or Before Mar 14, 2008	Jul 1, 2010	Oct 29, 2008	Jul 1, 2010

Computer-Equipment Recycling Program Began Sept. 1

On Sept. 1, 2008, Texas' new computer-equipment recycling program took effect. In order to legally offer computer equipment for sale in Texas, the state now requires a computer-equipment manufacturer to permanently label all of its new computer equipment. A manufacturer is also required to offer consumers a free and convenient means of returning its own brand (or brands) of used computer equipment for reuse or recycling. This applies to all of a manufacturer's used desktops, laptops, and monitors, whether sold before or after Sept. 1, 2008. Consumers may also return one accompanying used keyboard and mouse—made by the same manufacturer—with each desktop, laptop, or monitor. Manufacturers must reuse or recycle all equipment collected under this program. Consumers are responsible for deleting any data left on the computer they return to the manufacturer. Learn more by visiting <www.texasrecyclescomputers.org>. ■

New Rules for Metal Fabrication and Finishing Operations in Effect

On July 23, 2008, the EPA published the final rule on National Emissions Standards for Hazardous Air Pollutants (NESHAP): Area Source Standards for Nine Metal Fabrication and Finishing Source Categories. This rule is in addition to other TCEQ rules you must follow. The full text of this rule can be found online at: <www.epa.gov/ttn/atw/area/fr23jy08.pdf>.

Operations common to metal fabrication and finishing facilities that would be affected by this rule include: electrical and electronic equipment finishing; fabrication of metal products;

fabricating plate works (boiler shops); fabrication involving structural metal manufacturing; heating equipment, except electric, industrial machinery and equipment finishing operations; iron and steel forging; primary metal-products manufacturing; and valves and pipe fittings industries.

Important deadlines contained in this rule are summarized in the table below.

If you think you may be subject to this rule visit <www.sblga.info> for links to EPA forms and tools that assist in complying with this rule, or call 800-447-2827. ■

Type of Source	Date Construction Began	Date for Compliance	Due Date for Initial Notification	Due Date for Notification of Compliance Status
New sources	On or after Apr 3, 2008	Jul 23, 2008, or upon initial startup	Nov 20, 2008, or 120 days after initial startup	Nov 20, 2008, or 120 days after initial startup
Existing sources	Before Apr 3, 2008	Jul 25, 2011	Jul 25, 2011	Nov 22, 2011

Six Tips Help Small Businesses to Take Care of Texas

Working an average of 40 hours a week, Texans spend about 2,080 hours a year at work. That makes work the perfect place to start taking simple steps that will improve air and water quality, conserve water and energy, and save businesses money.

Start the Day with Energy-Efficient Appliances

Use the built-in timers on your coffee pots and other small appliances to start and stop them at specific times. When replacing break-room appliances look for the Energy Star symbol to compare water and energy usage.



Turn Off the Lights

Lighting accounts for 29 percent of an office's energy consumption. By turning off lights when not needed, using compact fluorescent lightbulbs, and installing Energy Star-qualified light fixtures, you can save significant energy and lower your electric bill.

Unplug Electronics, Use Power Strips

Many electronics cannot be switched off completely without being unplugged—using 20 to 40 watts of energy even when turned off. Unplugging electronics—or turning them off at a power strip—allows you to eliminate the energy used for standby power.



Check for Leaks

Fix any leaks you find in office faucets and toilets. A faucet leaking one drop per second can waste up to 1,661 gallons of water each year. Toilets account for most of the water lost to leaks. Use a leak-detection dye tablet to check; otherwise, you could waste about 200 gallons of water per toilet every day.

Reduce Travel

To reduce the amount of travel, look for opportunities to work from home, work compressed work-weeks, or host meetings via teleconference or videoconference. When traveling is required, use public transportation when feasible. If you rent a car, request a hybrid or higher-fuel-economy vehicle.

Join Energy Star

Any small business can improve its energy efficiency easily and cost-effectively using numerous resources available from the U.S. Environmental Protection Agency. Sign up and receive free technical support and information. All you need to do is pledge to improve the energy efficiency of your facility and buy Energy Star-qualified equipment when possible. Go to www.energystar.gov/smallbiz to learn more. For more tips to Do Your Part at home and at work, go to www.takecareoftexas.org.

Take Care of Texas—
It's the only one we've got!

New Household Hazardous Waste Rules Adopted

Private households produce waste that is similar to hazardous waste, but is exempt from hazardous waste rules. This hazardous household waste is sometimes collected by cities, counties, companies, or others in areas statewide.

The TCEQ recently changed the rules for hazardous household waste collections in Texas. Rule changes effective July 31, 2008, include the following:

- ▼ operational plans are no longer required to be submitted to the agency;
- ▼ notification for conducting events is now 45 days prior to collection instead of 90 days; and
- ▼ clarification was added about materials or activities that are considered exempt.

The TCEQ made other changes to definitions, reporting requirements, and operation-plan requirements. For more information on the rules, organizing a collection event, or to find a collection program in your area visit www.tceq.state.tx.us/assistance/hhw/howto.html. ■

UPCOMING EVENTS

Pollution Prevention Workshop

Jan. 29–30, H.E.S.S Center, 5430 Westheimer Road, Houston

For more information, visit

www.tceq.state.tx.us/assistance/events/P2Workshops/p2workshop.html

Small Business Advisory Committee (SBAC)

Feb. 25, 2 p.m.–4 p.m., Diamond Oaks Country Club
5821 Diamond Oaks Drive North, Fort Worth

Feb. 25, 10 a.m.–Noon, North Dallas Chamber of Commerce
10707 Preston Road, Dallas

Mar. 17, 11:30 a.m.–1 p.m., Southeast Texas Regional Planning Commission
2210 Eastex Freeway, Beaumont

For more information, visit

<http://www.tceq.state.tx.us/assistance/sblga/sbac.html>

CALL ON US

Toll Free & Confidential: **1-800-447-2827**

Get free, confidential help with questions on air, water, waste, or pollution prevention issues from this special section of the TCEQ. SBLGA works for you by:

- providing local environmental assistance when and where it's needed;
- communicating technical information in plain language; and
- giving small business and local government a voice in TCEQ rule and policy making.

On the Web at: www.sblga.info

SBLGA is entirely separate from TCEQ's enforcement program.

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Disclaimer: This regulatory guidance publication does not take the place of the full, official TCEQ rules. It is intended only as a general explanation about selected parts of the rules. If you have questions about any information contained in this periodical, contact us at 800-447-2827.

The Advocate is published quarterly by the Small Business and Local Government Assistance (SBLGA) Program of the Texas Commission on Environmental Quality (TCEQ).



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